

FILED 23 JUN 15 10:51 USDC-ORP

**CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

In the United States District Court

2-15-cv-1135-MO

**Plaintiff's Information**

Name Jeremiah Jerome Mauer Prisoner No. 14740440

Place of confinement Umatilla County Criminal Justice Center

Street 4700 NW Pioneer pl City Pendleton State OR Zip 97801

Are there additional plaintiff's  Yes  No

If yes, any additional plaintiff's to this action should be listed on a separate 8 1/2" x 11" sheet of paper and securely attached to the back of this complaint. You must provide names, prisoner numbers and addresses for all plaintiff's

**Defendant's Information**

Name Jennifer Armstrong Position Nurse Practitioner

Street / P.O. Box 4700 NW Pioneer PL City Pendleton State OR Zip 97801

Are you suing this defendant in his/her:  Personal Capacity  Official Capacity  Both

Are you suing more than one defendant?  Yes  No

If yes, any additional defendants to this action should be listed on a separate 8 1/2" x 11" sheet of paper and securely attached to the back of this complaint. You must provide names, positions, current addresses and the capacity (personal, official or both) in which you are suing them.

4700 NW pioneer place Pendleton Oregon 97801

I am suing this Defendant in his: official capacity

Stuart Harp

4700 NW pioneer place Pendleton ORegon 97801

I am suing this Defendant in his: official capacity

Susan (unknown) nurse (Requested full name several Times)

4700<sup>nd</sup> pioneer pl Pendleton, OR. 97801

I am suing this defendant in her: official capacity

I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes [ ] No

B. If your answer to A is yes, describe the lawsuit in the space below.  
If your answer is no proceed to part II.

1. Docket number \_\_\_\_\_

2. Name of Court \_\_\_\_\_

3. Parties ( Caption or name of case ) \_\_\_\_\_

4. Disposition \_\_\_\_\_

1. Docket number \_\_\_\_\_

2. Name of Court \_\_\_\_\_

3. Parties ( Caption or name of case ) \_\_\_\_\_

4. Disposition \_\_\_\_\_

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## II. Statement of Claim

State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include the names of other people, dates and places involved in the incident. Do not give any legal arguments or cite any cases or statutes. If you intend to allege several related claims, number and set forth each claim on a separate 8 1/2" x 11" sheet of paper and securely attach the paper to the back of this complaint.

On 5-21-15 I had pain in my right flank. I know to be associated with kidney stones as I have a occurring problem with them in the last several month prior to my incarceration on 1-10-15 including a surgery to have one removed from my right ureter. I pushed the intercom button in 100 dorm and stated I had a medical emergency. Co-Pereyda Instructed me to fill out a medical request and so I did. Co Howland Took me to medical To See A nurse named Susan who took my vitals and I explained my medical condition to. I Signed A release for medical records and A release for records from a urologist. I was given Tylenol, neurontin and Tamoxifen. Stated Several Times That I needed To go to the hospital as I was in tremendous pain, and Sent back to my dorm. I was called up to bookin and Told By Corporal Norris and Sgt Franks that I would have to Speak to An attorney in regards to a lawsuit. I met with my Criminal Attorney John lieuallen and He stated he is not a Civil Attorney But Advised me to keep every interaction documented and dated As I have done. (See Attachments)

## V. Relief

State briefly and exactly what you want the Court to do for you.

I would like To Sue The Umatilla County Jail and/or the medical staff there of for Their inability to properly Treat my pre existing medical condition and Violating The rights I have as an inmate,with said pre existing medical condition, being housed in Their facility under Their care.

I declare ( or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on 6-13-15

  
Signature of Plaintiff

( Umatilla County Jail 4700 NW Pioneer Place Pendleton, OR 97801)

I returned to my dorm and went to sleep in an attempt to sleep off the pain and the next day 5-22-15 I wrote two kites to Sgt. Franks and Corporal Norris (one each though identical) stating: I spoke with my attorney, I am requesting a 1983 Civil lawsuit packet in regards to how my medical emergency is and was treated. This is a formal request that I am documenting and sharing with my attorney per your instruction. Also 5-22-15 I requested to go to the law library stating: I need to visit the law library as soon as possible, I am in need of a 1983 Civil lawsuit and statutes regarding the medical rights of inmates with pre-existing medical conditions as well as the rights inmates have regarding proper medical treatment. At 5:35 pm on 5-22-15 Susan, the nurse at med pass, refused to answer what I felt was a serious medical question regarding my health and wellbeing. I asked: when will I be taken to the hospital? and why hasn't there been any imaging done to determine if there was a stone and to determine if it was in fact too large to pass due to the pain and soreness I was currently in and had been in. I expressed that I was worried I would have to have surgery as this pain was very similar to what I felt when I had to have a large stone uroscopically removed from where the ureter meets the bladder on the right side. Susan informed me that she didn't have an answer and that I would have to be referred to their legal department if I were filing a lawsuit. She gave me my meds and called the next inmate up to med line. It should be noted James Payton, William Hinshaw and Joe Bonner overheard this conversation I had with Susan for the purpose of being witnesses in a lawsuit. On 5-23-15 I asked CO-Copple for a grievance for a medical issue regarding medical maltreatment and he instructed me to request one from Sgt. Hearn stating he was over all medical issues and inquiries, I spoke with CO-Copple at 1:53 pm. I sent a request to Sgt. Hearn on 5-23-15 stating: I am requesting a medical grievance. I was told I needed to request one from you by CO-Copple at 1:53 pm today regarding the medical staff and the UCI staff's inability to properly treat my pre-existing medical condition properly. I am doing so in accordance to UCI policy and per instruction of my attorney. On 5-23-15 at 5:55 pm Susan was the nurse at med pass I received my meds and was inquiring as to when I would have a follow up appointment as I was still in pain and was having difficulty urinating. She told me all they could do was give me a straight cath (catheter) even though they didn't know if the stone was causing blockage and preventing urine to traverse from my kidney to my bladder. I again requested to go to the hospital for imaging and was told she would contact the nurse practitioner and my follow up wouldn't be until 5-26-15. I immediately called my mother, told her my situation and she called the jail. She spoke to the jail commander who forwarded her to medical. They assured my mother on speakerphone in front of two or more witnesses that they would be taking me to the hospital that night. Just before head

The nurse, Susan, had placed me in observation, in a dry cell with no toilet. So that I could be observed by the staff. During this time I was unable to keep documented notes, I was uncomfortable as I always felt like I had to urinate and in order to do so I had to keep requesting that the staff let me out to use the restroom, which they did. It was 5-24-15 and I believe I gave three urine samples. Susan stated everything was normal (and at 7 that morning she instructed me to drink a lot of fluids) But she needed another sample to be sure. Then she stated that I was only dehydrated and that there was no stone and that I was probably constipated but she needed to get another urine sample and they were going to keep me in booking until my pH in my urine went down. I protested and said I feel as if I am being punished for needing to go to the hospital and made several requests to go back to my dorm. She (Susan) kept coming back finally for a blood test and after 24 or close to 24 hours, I stated the condition of the dry cell is not acceptable, all of the tests have come back negative I want to return to my dorm, she stated the only way that would happen was if I signed a refusal of further treatment.

Though they continued my meds and my tests all of which they said were negative... On 6-6-2015 I passed a very large kidney stone, very painfully as I had to force it out of my urethra with my thumb and forefinger. I called for an escort to medical and Co Lee came and escorted me. I showed her (Co Lee) the stone, drew an estimate of its size and dimensions (roughly), and gave it to Susan at medical. I finally received a grievance on 6-11-15 Grievance # 000616

I have just made it to the law library today 6-13-15. I have copies of all of the requests and documentation of all of the above mentioned with the exception of the time I was held in booking. And the nurse Gloria spoke to me a day or so after I passed the stone to collect a U.A. I do not know approx date.

\* On the 21<sup>st</sup> I requested to return to my dorm to take a hot shower, "After the testing and vitals at medical"; As I was profusely sweating and my experience from this situation as I have dealt with it before is the hot water help ease the tightness in muscles and the pain

\* I have yet to receive a response from my grievance.

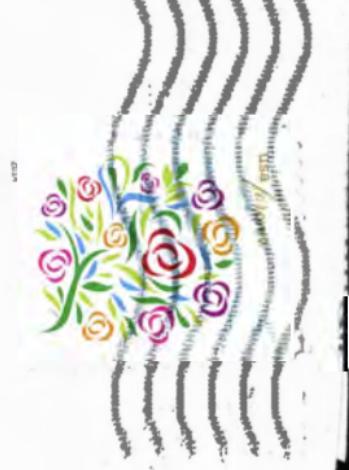
Derenah Waver SID# 14760440

Clatsop County Criminal Justice Center

PORTLAND OR 97204

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Bendleton, OR  
97801

22 JULY 2015 PMW T



LEGAL MAIL

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97204-2937